

9-20.000 MARITIME, TERRITORIAL AND INDIAN JURISDICTION

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9-20.100 Introduction

This chapter contains the Department's policy relating to maritime, territorial and Indian jurisdiction. Useful background material can also be found in the Criminal Resource Manual:

Maritime, Territorial and Indian Jurisdiction -- Generally

Special Maritime and Territorial Jurisdiction

Territorial Jurisdiction

Determining Federal Jurisdiction

Proof of Territorial Jurisdiction

Assimilative Crimes Act, 18 U.S.C. § 13

Limited Criminal Jurisdiction Over Property Held Proprietorially

Prosecution of Military Personnel

Maritime Jurisdiction

Great Lakes Jurisdiction

General Maritime Offenses

Aircraft Jurisdiction

Criminal Resource Manual at 662

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Criminal Resource Manual at 664

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Criminal Resource Manual at 669

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Criminal Resource Manual at 671

Criminal Resource Manual at 672

Criminal Resource Manual at 673

Indian Jurisdiction

Indian Country -- Introduction

Investigative Jurisdiction

MOU re Indian Law Enforcement Reform Act

Indian Country Defined

The General Crimes Act -- 18 U.S.C. § 1152

The Major Crimes Act -- 18 U.S.C. § 1153

Lesser Included Offenses Under 18 U.S.C. § 1153

Indian Jurisdiction -- Tribal Options

Criminal Resource Manual at 674

Criminal Resource Manual at 675

Criminal Resource Manual at 676

Criminal Resource Manual at 677

Criminal Resource Manual at 678

Criminal Resource Manual at 679

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Criminal Resource Manual at 681

Successive Prosecutions	Criminal Resource Manual at 682
"Victimless Crimes"	Criminal Resource Manual at 683
Memorandum for Benjamin R. Civiletti Re Jurisdiction Over "Victimless" Crimes Committed by Non-Indians on Indian Reservations	Criminal Resource Manual at 684
Exclusive Federal Jurisdiction Over Offenses by Non-Indians Against Indians	Criminal Resource Manual at 685
Who is an "Indian"?	Criminal Resource Manual at 686
Tribal Court Jurisdiction	Criminal Resource Manual at 687
State Jurisdiction	Criminal Resource Manual at 688
Jurisdictional Summary	Criminal Resource Manual at 689
Embezzlement and Theft from Tribal Organization	Criminal Resource Manual at 690
Indian Gaming	Criminal Resource Manual at 691

9-20.115 Prosecution of Military Personnel

Many violations of Federal criminal law are also violations of the Uniform Code of Military Justice (U.C.M.J.) for which military personnel are subject to court martial (e.g., drug offenses, theft of government property, etc.). The U.C.M.J. also punishes a number of acts which are not otherwise specifically declared to be Federal crimes, but which may become such when committed on a facility over which the United States exercises legislative jurisdiction as a result of the assimilation of state law under the Assimilative Crimes Act. *See* Criminal Resource Manual at 667.

To avoid conflict over investigative and prosecutive jurisdiction, the Attorney General and the Secretary of Defense executed a memorandum of understanding (MOU) relating to the investigation and prosecution of crimes over which the Department of Justice and Department of Defense have concurrent jurisdiction. The agreement provides generally that all crimes committed on military reservations by individuals subject to the Uniform Code of Military Justice shall be investigated and prosecuted by the military department concerned, with certain exceptions. The agreement permits civil investigation and prosecution in Federal district court in any case when circumstances render such action more appropriate. If questions arise concerning the operation of the agreement, the United States Attorney should contact the section of the Criminal Division having responsibility over the Federal statute allegedly violated. *See* the Criminal Resource Manual at 669, for the text of the MOU.

9-20.220 Investigative Jurisdiction -- Indian Country Offenses

In 1993, the Department of Justice and the Department of the Interior entered into a memorandum of understanding (MOU) that established guidelines regarding the respective jurisdictions of the Bureau of Indian Affairs (BIA) and the Federal Bureau of Investigation (FBI). *See* the Criminal Resource Manual at 675. Part IV of the MOU requires each United States Attorney whose criminal jurisdiction includes Indian country to develop local written guidelines outlining the responsibilities of the BIA, FBI, and the Tribal Criminal Investigators, if applicable. *See* the Criminal Resource Manual at 676, for the full text of the MOU.

9-20.230 Supervising Section -- Indian Country Offenses

The Office of Enforcement Operations of the Criminal Division has general supervisory responsibility for Indian country offenses. However, the Child Exploitation and Obscenity Section has responsibility for child

abuse offenses, and other Sections, such as the Terrorism and Violent Crime Section, should be consulted on questions involving the substantive elements of offenses within their areas of responsibility. See USAM 9-4.000 for statutory assignments of the various Sections. The Appellate, General Litigation, and Indian Resources Sections of the Environment and Natural Resources Division have Indian country expertise and should be consulted on questions of tribal rights, treaties, boundaries and related matters.